THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.7627 of 2006

Dated:18th April, 2006

Between:

R.K.Chary, Conductor.

…..PETITIONER

AND

The Depot Manager,

A.P.S.R.T.C, Kalwakurthy,

MahboobnagarDistrict.

….RESPONDENT

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.7627 of 2006

-

ORDER:

This writ petition is filed assailing the proceedings of the respondent-Depot Manager, A.P.S.R.T.C, Kalwakurthy in Office Order No.02/95(59)/2004-KLKY-1, dated 20-4-2005 by which the petitioner who is a Conductor was imposed a major punishment of deferment of annual increment for a period of one year with cumulative effect, without conducting any enquiry.

The operative portion of the impugned order of the respondent reads thus:

> *"I therefore hereby order that your annual increment which falls next due be deferred for a period of one (1) year which shall have an effect on your future increments."*

It is the case of the petitioner that he is working as Conductor at respondent-Depot and the respondent issued a charge-sheet dated 5-3-2005 on the allegation that the petitioner has re-issued the tickets which constitutes misconduct under Reg. 28 (xxiii) of APSRTC Employees Conduct Reg. 1963, for which the petitioner submitted his explanation on 19-3-2005. It is the further case of the petitioner that proceedings of the respondent-Depot Manager, A.P.S.R.T.C, Kalwakurthy in Office Order No.02/95(59)/2004-KLKY-1, dated 20-4-2005 imposing punishment of deferment of annual increment for a period of one year with cumulative effect is a major punishment and cannot be imposed without conducting departmental enquiry and such imposition is contrary to law and contrary to the Judgment of the Supreme court in ***Kulwanth Singh Gill v. State of Punjab ,*** and due to such major punishment the petitioner is facing much financial problems as he is drawing less salary.

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

Admittedly, the respondent without conducting departmental enquiry imposed the penalty of stoppage of annual increment for a period of one year, with cumulative effect on the basis of the charges leveled against the petitioner, which is a major penalty as is held by this Court in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005, following the Judgment of the Supreme Court in ***Kulwanth Singh Gill v. State of Punjab*** supra***.*** The operative portion of the judgment in W.P.No.23114 of 2005, dated
27-10-2005 reads thus:

> *"In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.*

Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs."

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 directing the respondents as under.

The respondent is directed to treat the impugned Order No.02/95(59)/2004-KLKY-1, dated 20-4-2005 as the one for stoppage of annual increment, for a period of one year without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

_____

(N.V. RAMANA, J.)

Date:18th April, 2006.

GRK